

TOWNSHIP OF LEBANON
HUNTERDON COUNTY, NEW JERSEY
ORDINANCE NO. 2017-09

**AN ORDINANCE AUTHORIZING THE PURCHASE OF 244 +/- ACRES OF
PROPERTY DESIGNATED AS BLOCK 50 LOT 10, BLOCK 51 LOTS 1 AND
5, BLOCK 53 LOT 12 AND BLOCK 56 LOT 15**

WHEREAS, the New Jersey Conservation Foundation (“NJCF”) has negotiated an Option Agreement with property owners, Earl Pelio; Estate of Joan Pelio, Deceased by its Executor Earl Pelio; Richard Pelio; and the Estate of Robert Pelio, Deceased, by its Executrix Donna Pelio (hereinafter collectively referred to as “Seller”), to purchase land identified as Block 50 Lot 10, Block 51 Lots 1 and 5, Block 53 Lot 12 and Block 56 Lot 15 on the Municipal tax map of the Township of Lebanon (the “Township”), Hunterdon County, consisting of approximately 244 +/- acres (the “Property”) for an aggregate purchase price in the amount of \$2,000,000; and

WHEREAS, the Property comprises woodlands and fields in agricultural use along Sharrer, Mt. Lebanon and Turkey Top Roads in the Township and its acquisition would link already preserved properties from the Teetertown to Point Mountain Preserves and extending to Miquin Woods, to create a greenway of approximately 2,600 acres in the northern part of the Township; and

WHEREAS, the Property has been identified as a Preservation Priority in the Open Space and Recreation Plan element of the Township’s Master Plan and offers attractive recreational uses and environmental preservation benefits, including water quality and supply protection and habitat conservation, especially owing to its proximity to other preserved properties and as such this purchase is consistent with the Township’s Master Plan; and

WHEREAS, the fair market value of the Property was established by two professional appraisals, which were reviewed by the New Jersey Department of Environmental Protection Green Acres (the “NJDEP Green Acres”), and a pre-Highlands Average of Appraised Values (AAV) of \$2,016,000 was issued on September 28, 2017; and

WHEREAS, the NJCF will retain professionals to prepare a preliminary site assessment report, survey, and title search, each subject to review and approval of NJDEP Green Acres; and

WHEREAS, total closing costs are estimated to be approximately \$60,000, with partial funding to be provided by the New Jersey Water Supply Authority and the remaining balance to be allocated among the funding sources described herein; and

WHEREAS, the Hunterdon County Freeholders by way of formal resolution adopted June 6, 2017 have approved \$1,000,000 in grants from the Hunterdon County Open Space, Farmland, and Historic Preservation Trust Fund, consisting of a Municipal Grant to the

Township and a Nonprofit Grant to NJCF, for acquisition of the Property with the anticipation that the Property will be incorporated into the Hunterdon County Park System; and

WHEREAS, funding of \$675,000 from NJDEP Green Acres will be allocated to the acquisition, subject to completion of project agreements, consisting of a grant of \$500,000 to the Township and a grant of \$175,000 to the Hunterdon Land Trust; and

WHEREAS, NJCF has received private funding commitments in aggregate of \$303,000 from various private foundations and individuals to be used for the acquisition of the Property; and

WHEREAS, NJCF and the Township are continuing to pursue additional grants from private foundations and individuals to be used for the acquisition of the Property; and

WHEREAS, the Township portion of contribution inclusive of total closing costs shall not exceed \$55,000; and

WHEREAS, Lebanon Township has dedicated Open Space fund balances from previously collected Open Space taxes at the local level that are sufficient to provide the anticipated funds needed to complete the acquisition of the Property and such funds can be allocated to the acquisition by separate Resolution of the Township Committee and the chief financial officer of Lebanon Township, Gregory J. Della Pia having certified in writing as to the availability of funds totaling \$55,000 as required by N.J.A.C. 5:30 – 5.4 (a) 1 with a copy of said written certification attached hereto as exhibit a; and

WHEREAS, the Township will enter assignment agreement(s) subject to separate Resolution of the Township Committee with funding partners as needed to facilitate matching funds for Closing the acquisition and for allocation of ownership interests as determined by the Township Committee; and

WHEREAS, the New Jersey Local Land and Buildings Law, N.J.S.A. 40A:12-3 et seq. requires adoption of an ordinance to authorize the participation in the acquisition and then conveyance of the Property; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Committee of the Township of Lebanon, the County of Hunterdon, as follows:

SECTION 1. The Township shall authorize its \$500,000 portion of the NJDEP Green Acres grant to be utilized for the purchase of the Property from Seller.

SECTION 2. The availability of funds having been certified as described herein, the Township is hereby authorized to participate in the acquisition of the Property as referenced hereinabove with the expenditure of funds from its existing dedicated Open Space Fund in an amount not to exceed \$55,000.

SECTION 3. The Mayor and Clerk are hereby authorized and directed to take all necessary actions and execute all necessary documents, including but not limited to an agreement accepting

assignment of the Option Agreement, deed of conveyance, HUD-1 settlement statement, affidavit of title, and such other closing documents in order to authorize both the acquisition and conveyance of the Property.

SECTION 4. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

SECTION 5. This Ordinance shall take effect after final passage and publication as prescribed by law.

Marc Laul, Mayor

ATTEST:

Karen J. Sandorse, RMC/CMC/CMR
Township Clerk

| Date of Introduction and First Reading: October 18, 2017

| Date of Second Reading and final adoption: November 1, 2017

| I certify that the foregoing Ordinance is a true and accurate copy of an Ordinance adopted by the Lebanon Township Committee on November 1, 2017.

Karen J. Sandorse, RMC/CMC/CMR
Township Clerk